

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

<b>SULYAMAN AL ISLAM WA</b>	)	
<b>SALAAM,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>1:12CV962</b>
	)	
<b>SHEP JONES, et al.,</b>	)	
	)	
<b>Defendant(s).</b>	)	

**ORDER ADOPTING RECOMMENDATION**

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on August 27, 2012, was served on the parties in this action. Plaintiff filed objections to the Recommendation [Doc. # 5] as well as an Amended Complaint, which does not correct the defects cited in the Magistrate Judge's Recommendation, but, in handwritten notations, states: "Objection in opposition: To Report and Recommendation" [Doc. # 6], and is therefore also construed as an objection to the Recommendation. In addition, Plaintiff subsequently filed an Application to Proceed *In Forma Pauperis*. [Doc. # 7.] Finally, long after the deadline for filing objections, Plaintiff submitted numerous additional documents. [Doc. ## 8-15.] The Court need not review such belated filings, but has done so and has concluded that they do not alter the defects noted in the Recommendation.

The Court has reviewed the Magistrate Judge's Recommendation and has made a de novo determination which is in accordance with the Magistrate Judge's report. The Court hereby adopts the Magistrate Judge's Recommendation.

**IT IS THEREFORE ORDERED** that this action is filed and dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects cited in the Magistrate Judge's Recommendation.

**IT IS FURTHER ORDERED** that Plaintiff's Application to Proceed *In Forma Pauperis* [Doc. # 7] is **DENIED AS MOOT**.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 23<sup>rd</sup> day of May, 2014.

/s/ N. Carlton Tilley, Jr.  
Senior United States District Judge